

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	GN Docket No. 14-25
Process Reform Report)	

***ex parte* STATEMENT OF
MARCUS SPECTRUM SOLUTIONS LLC**

In our comments in this proceeding we addressed, among other things, Recommendation 3.12: “Consider Listing Specific Questions with Rebuttable Presumptions at the End of an NPRM”. We commented that FCC NPRMs and NOIs generally have far too many questions, they are poorly organized, and do not follow the best practices of FCC’s UK and Canadian counterparts. These foreign counterparts clearly separate questions from the rest of the text of their NOI/NPRM-like documents seeking public comment and explicitly number them. As a specific example, we described the numerous questions scattered throughout the NOI in Docket 09-157 – a high priority proceeding that remains open without any action almost 5 years after its initiation!

We would like to update that review with an analysis of new FNPRM in GN Docket No. 12-354, adopted and released April 23, 2016 dealing with the 3550 – 3650 MHz band and new concepts recommended in the PCAST spectrum report. This is also a high priority spectrum item and we hope it does not reach the same drawn out fate of the other docket mentioned above.

HOW MANY QUESTIONS ARE IN THE DOCKET 12-354 FNPRM?

This is reminiscent of Elizabeth Barrett Browning's Sonnet 43 that begins with the memorable "How do I love thee? Let me count the ways."

Here is a table that compares the question in the Docket 09-157 NOI and the Docket 12-354 FNPRM. While these items were prepared under the leadership of different chairmen, **both** were high priority items for the Commission at the time of their release.

	Docket 09-157 NOI	Docket 12-354 FNPRM
Questions ending with question mark	167	147
Questions beginning with "we seek comment"/"we also seek comment"	40	100
Questions with other formats	5	
Total number of questions (Estimate only)	212	247

Table I: Comparison of questions in text of items

While the Docket 12-354 FNPRM has more questions than the Docket 09-157 NOI, we note one real improvement: it does not have any question hidden in footnotes!

The large number of poorly organized questions in such agenda items complicates the work of both FCC and commenting entities. Commenting entities have to sort through the large list of questions, many of which overlap to some degree, before they decide how to respond. Thus it is possible that some issues of more importance to the Commission do not get adequate attention in the comment cycle. The lack of numbering also complicates reply comment preparation. Finally when the FCC staff has to analyze the comments for these hundreds of questions for FCC leadership their job is complicated also.

While we understand how and why this “question explosion” happens during the drafting of NOIs and NPRMs and how it *seems* to the participants to speed the final drafting and release of the items¹, it may well slow the final conclusion of such proceedings. It also makes such proceedings more labor intensive for both commenters and the Commission.

CONCLUSION

The “question explosion” addressed in Recommendation 3.12 is a key issue for both FCC and regulatees. We hope that our data presented here on the structure of the Docket 12-354 FNPRM will lead to action in process reform are to make future FCC NOIs/NPRMs better organized so they are less resource intensive for all involved parties and lead to timelier outcomes for the benefit of our society and for economic growth.

/s/

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February 26, 2014

cc: Comm. Ajit Pai
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¹ See blog post - <http://www.marcus-spectrum.com/Blog/files/Questions1213.html>